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HOUSE BILL No. 270.]

[1862-'63.]

Introduced by Mr. McKAY, of Cumberland and Harnett.

W. W. Holden, Printer to the State.

REPORT OF COMMITTEE.

The Judiciary Committee have had under consideration "A Bill authorizing the Governor to issue Commissions to the Judges to hold Courts of Oyer and Terminer, and for other purposes," and recommend its passage.

N. McKAY, *for Committee.*

A BILL AUTHORIZING THE GOVERNOR TO ISSUE COMMISSIONS TO HOLD COURTS OF OYER AND TERMINER, AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That, "On petition of the County Court of any County, or on the application of the Attorney General, or the Solicitor of any of the Judicial Circuits, or for other good cause shown," the Governor shall issue Commissions of Oyer and Terminer, to the Judges of the Superior Courts of Law, which Courts of Oyer and Terminer shall have jurisdiction to try all white persons, slaves, and free persons of color, and all other persons, charged with capital felonies, crimes, misdemeanors, or any offences against, or violation of the statute law of the State, or any violation or offence whatever of the criminal law, of which the Superior Courts at their regular*

15 terms have jurisdiction, and the Judges shall be clothed
 16 with all necessary powers, for the trial of any person or
 17 persons, charged with the violation of the Criminal law
 18 or the Statute law of this State, and the presiding Judge
 19 shall and may proceed to try, continue, or remove indict-
 20 ments, such continuance or removal to be regulated by the
 21 same rules as govern continuances and removals at the
 22 general terms of the Superior Courts of law, "the Clerks
 23 of the Superior Courts of law shall issue subpoenas for
 24 witnesses to attend the sessions of the Courts of Oyer and
 25 Terminer, and the witnesses when summoned, shall at-
 26 tend, under the same rules, forfeitures and penalties, and
 27 with the same privileges, as if the term were a regular
 28 term."

SEC. 2. *Be it further enacted*, That the said Courts shall
 2 be held at the Court Houses of the different counties, or at
 3 the same places at which the general terms of the Superior
 4 Courts are held.

SEC. 3. *Be it further enacted*, That the Clerk of the
 2 County Court, and Sheriff, assisted by two justices of the
 3 peace, one of which justices shall be the Chairman of the
 4 County Court, shall, in the same mode in which jurors
 5 are drawn for the regular terms, draw a jury of thirty-
 6 six persons, who shall be summoned by the Sheriff, from
 7 which shall be made a grand jury and petit jury, and the
 8 Judge shall have power to order a special *venire*.

SEC. 4. *Be it further enacted*, That when any person or
 2 persons are confined in any jail other than the jail of the
 3 county in which they reside—and there can be no trial of
 4 such persons in their own county, on account of the pre-
 5 sence of the enemy, the person or persons so confined,
 6 shall be tried in the county in which they are confined,
 7 for any offence against the criminal law, or the statute law
 8 of this State, of which the Superior Courts have juris-
 9 diction.

SEC. 5. *Be it further enacted*, That this act shall be in
 2 force from and after its ratification.

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